

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Juan C. Clemente Hernández, being duly sworn, depose and state:

Introduction

1. I am a Task Force Officer (TFO) with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), San Juan, Puerto Rico and have been so employed since 2022. My responsibilities and duties include conducting investigations of alleged manufacturing, distribution, or possession of controlled substances (Title 21, *United States Code*, Section 841(a)(1)), importation of controlled substances (Title 21, *United States Code*, Section 952(a)), smuggling of goods into the United States (Title 18, *United States Code*, Section 545), and related offenses. I am an investigative or law enforcement officer of the United States who is empowered to conduct investigations of or to make arrests for offenses enumerated in Title 18, *United States Code*, Section 2516.

2. I have attended the San Juan Municipal Police Department Academy in San Juan, Puerto Rico. I am currently assigned to the Public Safety Group (PSG), where investigations commonly conducted are related to violations of Titles 8, 18, 19, 21 and 31 of the *United States Code*. Prior to my tenure with HSI, I was a Homicide Detective with the Puerto Rico Police Bureau since 2020.

3. I have assisted in conducting investigations into the unlawful possession of firearms, trafficking of firearms, and use and possession of firearms by persons

prohibited by law. I am familiar and have participated in various methods of investigations, including, but not limited to electronic surveillance, physical surveillance, interviewing and general questioning of witnesses, use of confidential informants, use of cooperating witnesses, and use of toll records and subscriber information. I have also debriefed confidential informants and cooperating witnesses regarding the habits and practices of people engaged in the illegal trafficking of firearms.

4. The facts and information contained in this affidavit are based upon my training and experience, participation in this investigation, personal knowledge and observations made during the course of this investigation, as well as the observations of other agents and police officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of records, documents, and other physical evidence obtained during the investigation.

5. This affidavit contains information necessary to support probable cause. It is not intended to include every fact and matter observed by me or known to the United States. This affidavit contains information necessary to support probable cause for a criminal complaint charging Fabian MARTINEZ-Maldonado, a.k.a. "DREKY", (hereinafter MARTINEZ-Maldonado), with violation of 18 U.S.C. § 922(g)(1) (Possession of a Firearm and/or Ammunition by a Convicted Felon) and 18 U.S.C. § 922(o) (Possession of a Machinegun).

Facts Supporting Probable Cause

6. On March 12th, 2024, at approximately 7:00 a.m., the Puerto Rico Police Bureau (PRPB) Metropolitan Drug Unit contacted HSI in reference to a subject that had been arrested pursuant to the execution of a state search warrant executed by PRPB Metropolitan Drug Unit on March 12th, 2024.

7. According to the investigation, on February 20th, 2024, PRPB Metropolitan Drug Unit Agents received information from a signed Confidential Informant (CI) that in the residence 2391 Paseo Arce, second section, Levittown, Toa Baja Puerto Rico, there was an individual, who was later identified as MARTINEZ-Maldonado, who seen with a firearm and that the individual did not have permission to carry a firearm. The CI described the individual as a white male, thin built, with dreadlocks.

8. PRPB Metropolitan Drug Unit obtained a state search and seizure warrant signed by a state judge on March 11th, 2024. The search and seizure warrant was granted for a on story residence, dark cream and blue in color, with white in color glass windows, with a concrete wall and cyclone fence located in 2391 Paseo Arce, second section, Levittown, located in Toa Baja, Puerto Rico (hereinafter "Subject Residence").

9. At approximately 4:00 a.m., PRPB Metropolitan Drug Unit alongside the PRPB Special Weapons and Tactics Unit (SWAT) arrived at the Subject Residence to execute the above-mentioned search and seizure warrant. PRPB SWAT made entry into the residence and found four adults and one minor in the house. MARTINEZ-

Maldonado was in the interior of the residence and placed under PRPB custody.

10. PRPB Metropolitan Drug identified themselves as law enforcement officers and explained to MARTINEZ-Maldonado that they possessed a state search and seizure warrant for the residence.

11. MARTINEZ-Maldonado stated to PRPB Metropolitan Drug Unit agents that in his room, inside the residence, there was a firearm and that it belonged to him.

12. PRPB Metropolitan Drug Unit Agents found the following items during the search of the Subject Residence:

- a. One (1) Crossbody bag, black in color, with logo that reads “MWAY” containing in its interior:
 - One (1) Glock Pistol Mod. 19x, Caliber 9mm, S/N: BYNE904, tan in color with black rubber grip with logo that reads “Supreme”, (with a visible modification to the backplate of the pistol), loaded with one round of 9mm ammunition,
 - One (1) extended magazine, black in color, loaded with thirty-three (33) rounds of 9mm ammunition,
 - One magazine, tan in color, loaded with seventeen (17) rounds of 9mm ammunition,
 - One (1) Puerto Rico driver’s license to name of Fabian MARTINEZ-Maldonado,
 - Two (2) bank cards from Popular Bank of Puerto Rico to the name of Fabian MARTINEZ-Maldonado,
- b. One (1) case, tan in color, with logo that reads “GLOCK”, containing in its interior:
 - Three (3) magazines, two (2) of them tan in color and one (1) black in color,
 - Sixty-three (63) rounds of 9mm ammunition,
 - Various gun cleaning and safety items,
- c. \$4,458.00 dollars in US Currency,
- d. Seventy-one (71) rounds of caliber 9mm ammunition,
- e. One (1) blue in color plastic container containing in its interior:

- A green leafy substance (field tested positive for marijuana).

13. PRPB Metropolitan Drug Unit Agents arrested MARTINEZ-Maldonado and the remaining individuals, verbally advised them of their Miranda Rights, and took them to the PRPB Metropolitan Drug Unit Precinct for further questioning and processing.

14. On March 12th, 2024, HSI TFOs interviewed MARTINEZ-Maldonado after advising him of his Miranda rights in his native language of Spanish. MARTINEZ-Maldonado indicated he understood his rights and provided a voluntary statement to law enforcement where he related the following facts: MARTINEZ-Maldonado indicated that the items found in his residence were his. MARTINEZ-Maldonado also indicated that he had knowledge that the Glock Pistol Mod. 19x, Caliber 9mm, S/N: BYNE904, tan in color was modified to fire in fully automatic. MARTINEZ-Maldonado, when asked, stated to HSI TFOs that the firearm had a "chipete". Based on my training and experience, 'chipete' in this context is a way of explaining that a semi-automatic firearm has been converted with a device or "chip" into fully automatic. MARTINEZ-Maldonado also stated that he bought the firearm from an unknown individual for \$1,500.00 dollars in US Currency. MARTINEZ-Maldonado stated to HSI TFOs that he had a previous state case in violation of Puerto Rico Narcotics Law and that he plead guilty to one charge and was awaiting sentencing.

15. Agents examined the Glock Pistol Mod. 19x, Caliber 9mm, S/N:

BYNE904, and observed that it had a machinegun conversion device (“Device”) which allows the firearm to fire more than a single round of ammunition per single function of the trigger. Based on the Affiant’s training, knowledge and experience, the Device was not installed by the manufacturer and was placed on the firearm with the sole purpose of illegally modifying it to fire fully automatic, meaning that it is capable of expelling more than one projectile, without manual reloading, by a single function of the trigger. The Device can be readily observed by anyone who loads, unloads, cleans, or disassembles the firearm.

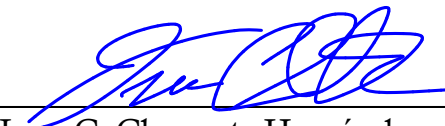
16. Further investigation revealed that MARTINEZ-Maldonado was previously convicted of a crime punishable for a term of imprisonment exceeding one year.

17. The investigation revealed that no firearms and ammunition, including the types described above, are manufactured in Puerto Rico and therefore the aforementioned firearms and ammunition had been shipped or transported in interstate or foreign commerce.

Conclusion

18. Based on the facts contained herein, there is probable cause to believe that MARTINEZ-Maldonado has violated the following offenses: 18 U.S.C. § 922(g)(1) (Possession of a Firearm and/or Ammunition by a Convicted Felon) and 18 U.S.C. § 922(o) (Possession of a Machinegun).

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.



Juan C. Clemente Hernández
Task Force Officer
U.S. Homeland Security Investigations

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 9:46 a.m. on the 13th day of March, 2024.

Hon. Giselle López Soler
U.S. Magistrate Judge